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September 3, 2008

The Honorable Gregory M. Sleet
United States District Court
For the District of Delaware
844 North King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: *In Re Rembrandt/MDL Docket No. 07-md-1848 (GMS)*

Dear Chief Judge Sleet:

We have received Rembrandt's six-page August 29 letter to Your Honor concerning discovery and requesting an extension of the dates in the Scheduling Order. Rembrandt did not confer with us about the proposal attached to its letter or advise us that it was going to send that letter. Given Paragraph 5(b) of the Scheduling Order (D.I. 126) concerning "Discovery and Scheduling Matters," and in the absence of any discussion of Rembrandt's proposal by the parties, All Other Parties do not intend to respond to Rembrandt's letter unless the Court requests that we do so. If, however, the Court is going to consider Rembrandt's letter, we request the opportunity to respond.

We nevertheless feel compelled to note that we disagree with Rembrandt's four-page discussion of discovery issues. We will continue to meet and confer about those issues, as well as about the significant discovery issues on our side -- including those relating to the 3,000 boxes of Zhone/Paradyne documents and 2200 back-up tapes that were only disclosed to us recently, after many of the documents apparently had been destroyed during litigation. We also intend to meet and confer to see whether the parties can agree on an adjustment to the schedule for submission to the Court. To the extent that the parties are not able to resolve their scheduling or discovery issues, we intend to follow the procedures set forth in paragraph 5(b) of the Scheduling Order.

Respectfully,


Jack B. Blumenfeld

JB/dlb

The Honorable Gregory M. Sleet

September 3, 2008

Page 2

cc: Clerk of Court (Via Hand Delivery)
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